REMARKS/ARGUMENTS

Claims 1-12 are pending.

Claim objections were raised. The undersigned appreciates the examiner's suggested corrections and has amended the claims accordingly.

Claims 1-3, 5-7, 12, 13, and 15 were rejected under 35 U.S.C. Section 102 based on Buyukkoc et al. (U.S. Pat. No. 6,463,062).

Claims 4 and 8-11 were rejected under 35 U.S.C. Section 103 in view of Buyukkoc et al. and Kenney et al. (U.S. Pat. No. 2002/0122422).

Without conceding the merits of the rejections, claim 1 Independent claim 7 has been amended to incorporate dependent claims 15 and 16. Claims 13-16 have been canceled without prejudice or disclaimer.

A distinguishing aspect of the present invention is the allocation of bandwidth to certain data links between a sender and a receiver in a data network. Claim 1, for example, recites in part:

... a trunk management system ... wherein the trunk management system allocates bandwidth of the predetermined communication resources of the data links ... .

See also similarly amended independent claim 7.

Independent claim 2 recites in part:

... allocating to the sending gateway element a first portion of the predetermined communication resources of at least certain of the network links forming a communicative route between the sending and receiving gateway elements ... .

See also independent claim 12.

In the Office action, it was asserted that Buyukkoc teaches the recited "allocating." Applicant respectfully disagrees. In column 10, line 21-26, cited in the Office action, Buyukkoc writes:

"A modification of this routing scheme would allow each edge node to reserve a certain amount of capacity on each β link with only the unreserved capacity available to all paths. This would allow some degree of service protection to each edge node as well as improving the stability of the network under overloads."

Kindly refer to column 9, lines 40 and following. Buyukkoc describes an example of his routing process. A close reading of the description of the procedure reveals no allocating of capacity as part of the routing, but rather the detection that certain routes are ("red" status) at or near full capacity ("orange") and the avoidance of those routes; see column 9, lines 30-35 and 53-60.

Buyukkoc observes in column 10, line 21-26 that some of the capacity in an edge node can be reserved for the β links (backbone links) in order to avoid overloads. As understood, this is a static reservation of capacity, not a dynamic process as part of Buyukkoc's routing scheme.

This interpretation is consistent with Buyukkoc's side note about edge nodes made in column 4, lines 23-40. There, Buyukkoc notes that in some networks, edge nodes are logical portions of an ATM switch (e.g., 110, Fig. 1). In such networks, the "edge node" proper would be that portion of the ATM switch which relates to route setup processing, and in those cases some capacity can be reserved for the access (α) links and some for the backbone (β) links.

Pending claims 1, 2, 7, and 12 by contrast set forth allocating bandwidth or allocating a portion of the communication resources. For example, claim 1 recites in part:

> wherein the trunk management system allocates bandwidth of the predetermined communication resources of the data links.

As explained above, Buyukkoc does not teach "wherein the trunk management system allocates bandwidth of the predetermined communication resources of the data links."

Claim 7 recites in part:

> wherein the sending gateway element periodically sends the status information to a trunk management system,
> wherein the trunk management system allocates bandwidth to the certain links of the route based on the status information indicative of currently used data communication capacity of the certain links and currently available data communication capacity of the certain links.

Buyukkoc tracks the current status of the various routes. Column 12, lines 44-55 clearly describes that the status information is "used to select which route to use for new calls." Buyukkoc does not teach "wherein the trunk management system allocates bandwidth ... based on the status information... ." (emphasis added)

Claim 2 recites in part (see also claim 12):

> ... allocating to the sending gateway element a first portion of the predetermined communication resources of at least certain of the network links forming a communicative route between the sending and receiving gateway elements ... .

As explained above, Buyukkoc does not teach "allocating to the sending gateway element a first portion of the predetermined communication resources of at least certain of the network links."

Claim 2 further recites in part (see also claim 12):

> receiving at the sending gateway element a request from the sender unit for a data transfer across the communicative route, the request including a specification of requested communication resource, the sending gateway element checking the status information to grant the request if the currently available amount of the allocated communication resources of the communicative route is equal or greater than the requested communication resource.

As explained above, Buyukkoc's status information is used to select routes for new calls. Buyukkoc does not teach "receiving ... [a] request including a specification of requested communication resource, the sending gateway element checking the status information to grant the request if the currently available amount of the allocated communication resources of the communicative route is equal or greater than the requested communication resource." (emphasis added)

The Section 102 rejections of independent claims 1, 2, 7, and 12 are believed to be overcome for the various reasons set forth above. Similarly, the Section 103 rejections of the claims are believed to be overcome based on the allowability of their respective base claims.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

/George B. F. Yee/

George B. F. Yee
Reg. No. 37,478

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
GBFY
61246602 v1